



Order Filed on December 5, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)

GURBIR S. GREWAL  
Attorney General of New Jersey  
By: Valerie Hamilton (018201995)  
Deputy Attorney General  
R. J. Hughes Justice Complex  
25 W. Market Street  
P.O. Box 106  
Trenton, New Jersey 08625  
Attorney for the State of New Jersey,  
Division of Taxation

In Re:

THOMAS PATRICK DARBY and AUDREY MARIE  
DARBY,

Debtors.

Hon. Vincent F. Papalia, USBJ

Case No. 19-16285 (VFP)

Chapter 13

**CONSENT ORDER RECLASIFYING CLAIM OF STATE OF NEW JERSEY,  
DIVISION OF TAXATION AND MODIFYING DEBTORS' CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered  
two (2) through three (3), is hereby **ORDERED**.

**DATED: December 5, 2019**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

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Debtor: THOMAS P. DARBY and AUDREY M. DARBY

Case No. 19-16285 (VFP)

Caption of Order: CONSENT ORDER RECLASSIFYING TAXATION'S CLAIM AND OTHER RELIEF

This matter having been presented to the Court by Debtors, Thomas Patrick Darby and Audrey Marie Darby ("Debtors"), seeking confirmation of the Debtors' Second Modified Chapter 13 Plan (Docket No. 39), and the State of New Jersey, Division of Taxation ("Taxation"), having filed a proof of claim (Claim 7-1), asserting a secured claim in the amount of \$2,294.67, a priority unsecured claim in the amount of \$5,582.44, and a general unsecured claim in the amount of \$315.31; and Debtors, by and through their counsel, Norgaard O'Boyle & Hannon (Brian G. Hannon, Esq., appearing) and Taxation, by and through its counsel, Gurbir S. Grewal, Attorney General of New Jersey (Valerie A. Hamilton, Deputy Attorney General, appearing), having amicably resolved Taxation's claims and their treatment through Debtors' Plan and good and sufficient cause appearing for the entry of this Order;

- (1) IT IS HEREBY ORDERED THAT Taxation's Proof of Claim (Claim No. 7-1) filed on September 23, 2019 is hereby allowed and treated as follows:
  - a. The tax and interest portions of Taxation's secured claim shall be reclassified to a priority unsecured claim in the amount of \$2,083.67. Upon reclassification, Taxation shall hold priority unsecured claims in the total amount of \$7,666.11. Debtors' Chapter 13 Plan is hereby amended to provide for full payment of Taxation's priority unsecured claims;
  - b. The penalty portion of Taxation's secured claim shall be reclassified to a general unsecured claim in the amount of \$211.00. Upon reclassification, Taxation shall hold general unsecured claims in the total amount of \$526.31. Taxation's general unsecured claims shall be treated as other general unsecured claims in Debtors' Plan;
- (2) IT IS FURTHER ORDERED that if any provision of this Order conflicts with any other Order entered in this matter, including an order confirming Debtors' Chapter 13 Plan and/or discharge order, the provisions of this Order shall control.

[Signature page to follow]

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Debtor: THOMAS P. DARBY and AUDREY M. DARBY

Case No. 19-16285 (VFP)


Caption of Order: CONSENT ORDER RECLASSIFYING TAXATION'S CLAIM AND OTHER RELIEF

CONSENTED AS TO FORM AND ENTRY:

NORGAARD O'BOYLE & HANNON  
Attorneys for the Debtors

GURBIR S. GREWAL  
Attorney General of New Jersey  
Attorney for Taxation

By:   
Brian G. Hannon, Esq.

By:   
Valerie A. Hamilton  
Deputy Attorney General

## Certificate of Notice Page 4 of 4

United States Bankruptcy Court  
District of New JerseyIn re:  
Thomas Patrick Darby  
Audrey Marie Darby  
DebtorsCase No. 19-16285-VFP  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 1  
Total Noticed: 1

Date Rcvd: Dec 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Dec 08, 2019.

db/jdb Thomas Patrick Darby, Audrey Marie Darby, 232 Doremus Avenue, Ridgewood, NJ 07450-4242

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 08, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on December 6, 2019 at the address(es) listed below:Brian Gregory Hannon on behalf of Joint Debtor Audrey Marie Darby bhannon@norgaardfirm.com,  
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.comBrian Gregory Hannon on behalf of Debtor Thomas Patrick Darby bhannon@norgaardfirm.com,  
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.comElizabeth K. Holdren on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing as  
servicer for 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its  
individual capacity but solely as Certificate Trustee eholdren@hillwallack.com,  
jhanley@hillwallack.com;hwbknj@hillwallack.com

Marie-Ann Greenberg magecf@magtrustee.com

Rebecca Ann Solarz on behalf of Creditor ARCPE 1 LLC rsolarz@kmlawgroup.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

Valerie A. Hamilton on behalf of Creditor New Jersey Division of Taxation  
Valerie.Hamilton@law.njoag.gov

TOTAL: 7